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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JOON YOUNG PARK, ALLYSON J. BEUHLER, and  
MICHAEL S. THIEMS

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Appeal 2015-002760  
Application 12/982,934<sup>1</sup>  
Technology Center 2400

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Before JEAN R. HOMERE, HUNG H. BUI, and AMBER L. HAGY,  
*Administrative Patent Judges.*

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Office Action rejecting claims 1–6 and 12–17, which are all of the claims pending on appeal. Claims App'x. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.<sup>2</sup>

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<sup>1</sup> According to Appellants, the real party in interest is Motorola Mobility LLC. App. Br. 2.

<sup>2</sup> Our Decision refers to Appellants' Appeal Brief filed June 23, 2014 ("App. Br."); Reply Brief filed December 16, 2014 ("Reply Br."); Examiner's Answer mailed October 16, 2014 ("Ans."); Final Office Action mailed October 7, 2013 ("Final Act."); and original Specification filed December 31, 2010 ("Spec.").

## STATEMENT OF THE CASE

Appellants' invention relates to a "system and method for presenting information associated with a contact for video calling." Title. According to Appellants, the system includes "a set-top box (STB) ... coupled to an access network for accessing a consumer portal server and a call control server." Spec. ¶ 6. "The STB includes a processor configured to execute an electronic program guide (EPG) application . . . to display, together on the display, program schedule information, and a plurality of contact identifiers corresponding to a list of favorite contacts for video calling associated with a user of the set-top box, and a status video associated with a selected contact of the list of favorite contacts." Spec. ¶ 6.

Claims 1, 12, and 17 are independent. Claim 1 is illustrative of Appellants' invention and is reproduced below with disputed limitations in italics:

1. A method for presenting information associated with a contact for video calling, the method comprising:
  - storing a list of favorite contacts of a user;
  - in an electronic program guide (EPG) user interface, displaying a plurality of contact identifiers corresponding to the list of favorite contacts, together with program information;
  - receiving an input from the user to highlight a selected one of the contact identifiers;*
  - in the EPG user interface, displaying a status video associated with a contact associated with the selected one of the contact identifiers.*

App. Br. 11 (Claims App'x).

### *Examiner's Rejections and References*

(1) Claims 1–6 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. (US 2003/0041333 A1; published Feb.

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27, 2003; “Allen”), Scott et al. (US 2011/0131593 A1; published Jun. 2, 2011; “Scott”), and Choi et al. (US 2009/0271820 A1; published Oct. 29, 2009; “Choi”). Final Act. 3–5, 8.

(2) Claims 12–15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen and Scott. Final Act. 5–7.

(3) Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen, Scott, and Choi. Final Act. 8.

## ISSUES

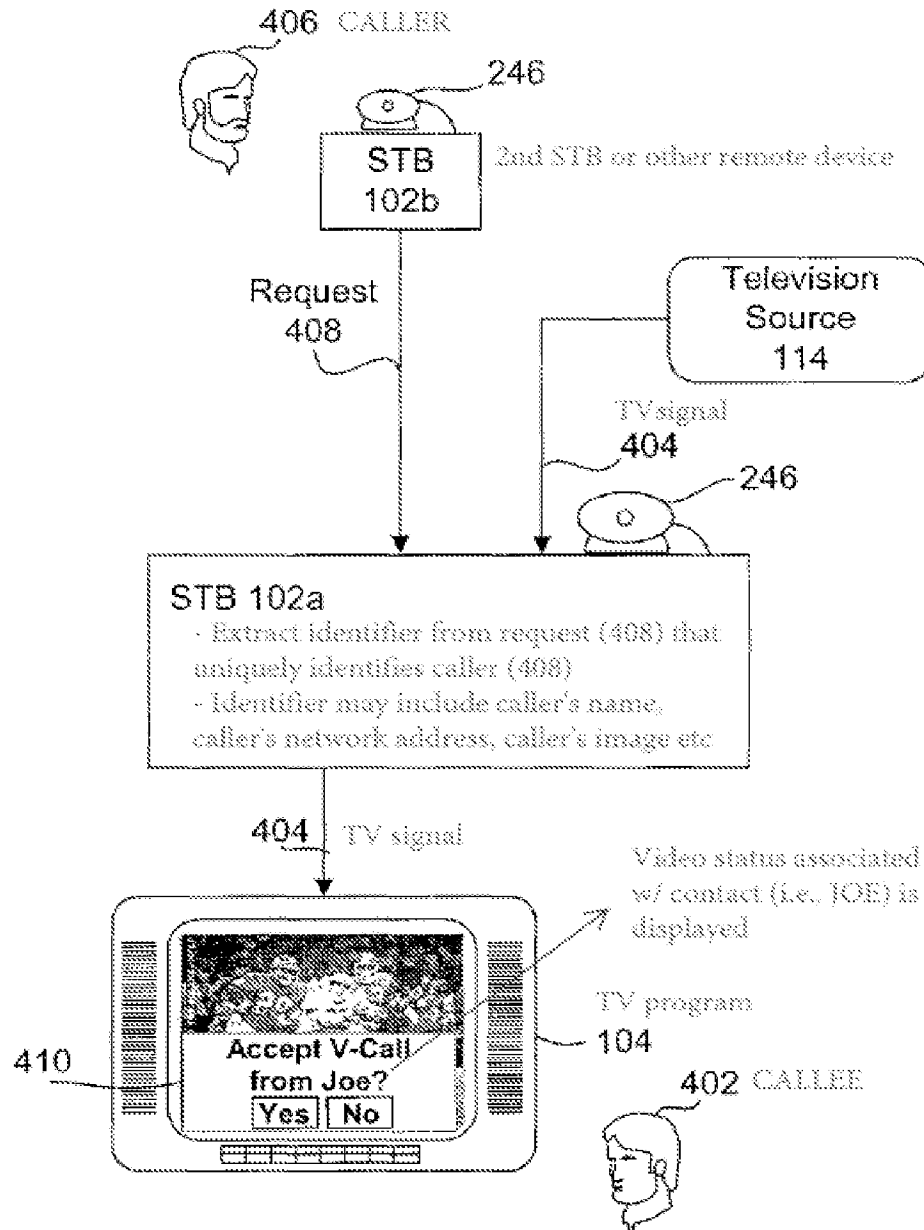
Based on Appellants’ arguments, the dispositive issues presented on appeal are: (1) whether the combination of Allen, Scott, and Choi teaches or suggests several limitations of Appellants’ claimed invention; and (2) whether the Examiner has articulated “reasoning with some rational underpinning” to support the combination. App. Br. 5–11; Reply Br. 2–6.

## ANALYSIS

### *35 U.S.C. § 103(a): Claims 1–6 and 17*

With respect to independent claims 1 and 17, the Examiner finds Allen teaches a method for presenting information associated with a contact for video calling, shown in Figure 4, comprising: “storing and retrieving a list of favorite contacts of a user” and “displaying a status video associated with a contact.” Final Act. 3 (citing Allen ¶¶ 25, 28, 39, 86, Fig. 4).

Allen’s Figure 4 shows an interactive TV system for presenting information associated with a contact for video calling during a TV program, as reproduced below with additional markings for illustration.



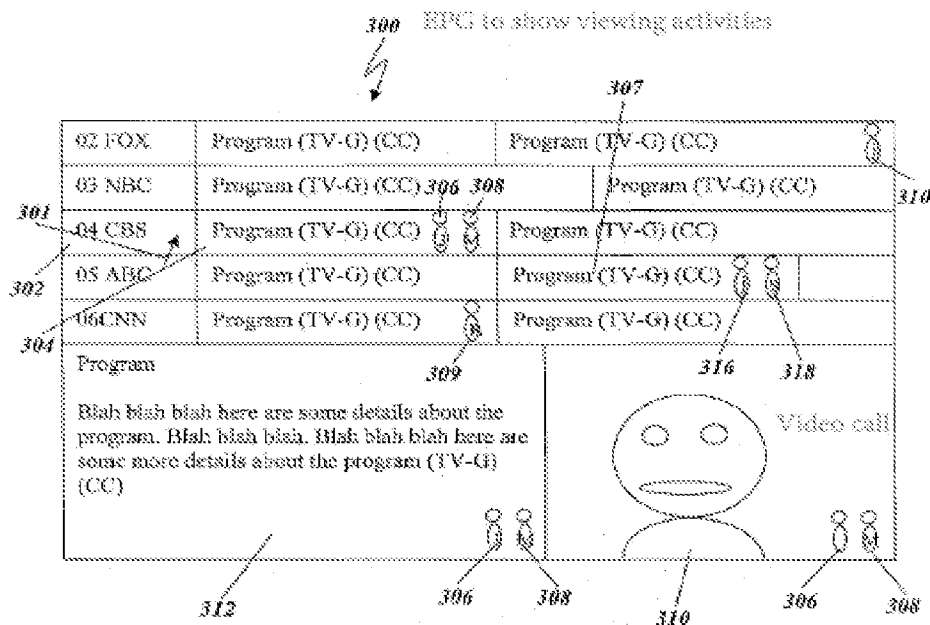
Allen's Figure 4 shows an interactive TV system for presenting information associated with a contact for video calling during a TV program.

According to Allen, "the ITV system automatically answers and records video calls in which the caller [406] is found within the auto-answer list [i.e., list of user's contacts]." Allen ¶ 28.

The Examiner acknowledges Allen does not explicitly teach the TV program as having: (1) an electronic program guide (EPG) that shows

program information and favorite contacts, and (2) user's selection of one of those contacts. Final Act. 3–4. To support the conclusion of obviousness, the Examiner relies on Scott for explicitly teaching “an electronic program guide (EPG) user interface, [shown in Figure 3] displaying a plurality of contact identifiers corresponding to the list of favorite contacts, together with program information” as well as “displaying a status contact associated with the selected one of the contact identifiers.” Final Act. 3–4 (citing Scott ¶ 33, Figs. 3, 6).

Scott's Figure 3 is reproduced below with additional markings:



Scott's Figure 3 shows an EPG including program information and viewing activities, video calls between parties, including “a status contact associated with a selected contact identifier.”

The Examiner then relies on Choi for explicitly teaching “receiving an input from the user to highlight a selected one of the contact identifiers” in the form of user's selection of a buddy from a buddy list for video calling during a broadcast program. Final Act. 4 (citing Choi ¶ 60).

Appellants contend the combination of Allen, Scott, and Choi does not teach or suggest: (1) “in the [electronic program guide] EPG user interface, displaying a status video associated with a contact associated with the selected one of the contact identifiers” and (2) “receiving an input from the user to highlight a selected one of the contact identifiers” as recited in claims 1 and 17. App. Br. 6–9; Reply Br. 2–4. In particular, Appellants argue:

(1) Allen does not disclose “an electronic program guide (EPG) user interface,” nor “displaying a plurality of contact identifiers corresponding to the list of favorite contacts, together with program information” in an “EPG user interface” as claimed . . . does not disclose “displaying a status video [in an] EPG user interface” as claimed;

(2) Scott does not disclose “displaying a status video associated with a contact” as claimed . . . does not disclose “displaying a status video [in an] EPG user interface”; and

(3) Choi does not teach “displaying a status video associated with [the selected buddy].”

App. Br. 7–8.

Appellants also contend the Examiner has not articulated “reasoning with some rational underpinning” to support the combination. App. Br. 8–9; Reply Br. 4. According to Appellants, “the Examiner has merely provided conclusory statements” and “has not provided any explanation as to how Scott can fail to teach selecting a contact, while also teaching displaying a feature associated with a selected contact.” App. Br. 8–9.

We do not find Appellants’ arguments persuasive. Instead, we find the Examiner has provided a comprehensive response to Appellants’ arguments, supported by a preponderance of evidence. Ans. 2–4; Final Act.

3–4. Therefore, we adopt the Examiner’s findings and explanations provided therein. *Id.* At the outset, we note Appellants’ arguments are predicated upon multiple attacks of Allen, Scott, and Choi individually. For example, as correctly recognized by the Examiner, Allen is not relied upon for teaching “displaying a [status] video in an EPG user interface” as alleged by Appellants. Ans. 2–3. Likewise, Scott is not relied upon for teaching “displaying a status video associated with a contact” or “displaying a status video [in an] EPG user interface.” Ans. 3. Similarly, Cho is not relied upon for teaching “displaying a status video associated with [the selected buddy].” Ans. 3.

One cannot show non-obviousness by attacking references individually when the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). The test for obviousness is not whether the claimed invention is expressly suggested in anyone or all of the references, but whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references. *Keller*, 642 F.2d at 425.

Contrary to Appellants’ arguments, the Examiner finds, and we agree, that the combination of Allen, Scott, and Choi teaches or suggests all limitations of claims 1 and 17. For example, Allen teaches an interactive TV system, shown in Figure 4, for presenting information associated with a contact for video calling during a TV program including “displaying a status video associated with a contact.” Final Act. 3–4 (citing Allen ¶¶ 25, 28, 39, 86, Fig. 4). As secondary references, Scott and Choi explicitly teach missing features from Allen, that is: (1) Scott teaches an “EPG user interface” that shows program information and favorite contacts, including “a status contact associated with a selected contact identifier,” and (2) Choi



teaches a user's selection of one of those contacts. Final Act. 4 (citing Scott ¶ 33, Figs. 3, 6; Choi ¶ 60).

As correctly recognized by the Examiner, the features disclosed by Scott and Choi are known elements that can be incorporated into Allen's interactive TV system to yield predictable results. Ans. 4. We recognize that the Examiner must also articulate some "reasoning with some rational underpinning" to support the combination. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir 2006). However, the reasoning need not appear in, or be expressly described by one or more of the references on which the Examiner relies. Instead, a reason to combine teachings from the prior art "may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved." *WMS Gaming Inc. v. Int'l Game Tech.*, 184 F.3d 1339, 1355 (Fed. Cir. 1999) (citing *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998)). "Under the correct [obviousness] analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 420 (2007).

In this case, the Examiner has demonstrated the motivation for a person of ordinary skill in the art to achieve the claimed subject matter, i.e., incorporating (1) an EPG user interface as disclosed by Scott and (2) user's input as disclosed by Choi into Allen's interactive TV system to contact friends for video calling or chatting would have been obvious because "users are able to contact their buddies faster to share information" and to "visually distinguish multiple buddies and help clients with low visibility." Final Act. 4. Appellants have not demonstrated why that reason is erroneous or why a person of ordinary skill in the art *would not* have reached the conclusions

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reached by the Examiner. *See DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2006). As such, we are not persuaded by Appellant’s arguments that the Examiner failed to articulate a rationale for combining Allen, Scott, and Choi.

For the reasons set forth above, Appellants have not persuaded us of Examiner error. Accordingly, we sustain the Examiner’s obviousness rejection of independent claims 1 and 17, and their respective dependent claims 2–6, which Appellants do not argue separately. App. Br. 10.

#### *35 U.S.C. § 103(a): Claims 12–15*

Claim 12 recites a system for presenting the same information associated with a contact for video calling in the context of a set-top box (STB) programmed to perform most functions recited in claims 1 and 17. However, claim 12 does not require any “an input from the user to highlight a selected one of the contact identifiers” as disclosed by Choi.

Appellants reiterate the same arguments presented against claims 1 and 17. However, for the same reasons discussed, we also sustain the Examiner’s obviousness rejection of claim 12, and its dependent claims 13–15, which Appellants do not argue separately. App. Br. 9–10.

With respect to claim 16, Appellants present no separate patentability argument. App. Br. 10. For the same reasons discussed, we also sustain the Examiner’s obviousness rejection of claim 16.

#### CONCLUSION

On the record before us, we conclude Appellants have not demonstrated the Examiner erred in rejecting claims 1–6 and 12–17 under 35 U.S.C. § 103(a).

DECISION

As such, we AFFIRM the Examiner's Final Rejection of claims 1–6 and 12–17.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED